

Application No. 09/902,016
Art Unit: 3627

REMARKS

Claims 4-16 are pending in the application with claims 1-3 and 17-32 previously canceled. Herein no new claims are added and no claims are amended.

Thus following entry of the amendments presented herewith claims 4-16 stand for examination on the merits. Applicant respectfully requests entry and favorable consideration of the remarks presented herewith.

Claim Rejections Based on 35 U.S.C. §102

Claims 4 and 5 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,497,655 to Linberg et al. (Linberg).

It is axiomatic that a rejection for lack of novelty is appropriate only when *each and every* recited claim limitation is found within a single prior art reference.

In the instant case, Linberg fails to include any of the following and thus the rejection founded exclusively on Linberg cannot stand and must be withdrawn. That is, Linberg does not include:

signal differentiation processes include analyzing means for analyzing cardiac waveforms, wherein said waveforms are selected from the group consisting of atrial flutter, atrial fibrillation, premature atrial contractions (PACs), premature ventricular contractions (PVCs), sinus tachycardia, left bundle-branch block (LBBB), right bundle branch block (RBBB), antegrade p-waves, retrograde p-waves. (emphasis added, as amended.)

Since amended independent claim 4 cannot be properly rejected as lacking novelty vis-à-vis Linberg, then claim 5, which depends from claim 4 cannot be rejected solely on the basis of Linberg. Thus, Applicants respectfully request that this ground of rejection be withdrawn.

Other Claim Rejections Based on 35 U.S.C. §102

Claims 4 and 7-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 5,725,599 to Alt et al. (Alt).

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Since amended claim 4 cannot be properly rejected as lacking novelty vis-à-vis Alt, then claims 7-11, which depend from claim 4 cannot be rejected solely on the basis of Alt. Thus, Applicants respectfully request that this ground of rejection be withdrawn.

Claim Rejections Based on 35 U.S.C. §103

Claims 12-16 stand rejected as being unpatentable over Alt in view of U.S. Pat. No. 6,298,443 to Colligan et al. (Colligan).

With respect claims 12-16 Applicant has previously amended claims 12-16 to directly or indirectly depend from claim 4 thereby rendering this ground of rejection essentially moot. That is, Alt cannot form the foundation of the instant rejection (see amended claim 4) and Colligan adds none of the detailed subject matter recited in claims 12-16. Accordingly, the rejection should properly be withdrawn.

CONCLUSION

Applicant respectfully asserts that all presently pending claims 4-16 are now in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 13-2546. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

Date

26 Sept. 05

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